

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) Court No.: 14-cr-10363-RGS
BARRY J. CADDEN, et al.)
Defendants.)
_____)

JOINT STATUS REPORT

Pursuant to the Court's Order dated February 26, 2015, and Local Rule 116.5(b), the United States of America and the defendants, Barry J. Cadden, Glenn A. Chin, Gene Svirskiy, Christopher M. Leary, Joseph M. Evanovsky, Scott M. Connolly, Sharon P. Carter, Alla V. Stepanets, Gregory A. Conigliaro, Robert A. Ronzio, Kathy S. Chin, Michelle L. Thomas, Carla R. Conigliaro, and Douglas A. Conigliaro, by their undersigned counsel, respectfully submit the following Joint Status Report regarding the above-captioned matter.

1. The Status of Automatic Discovery and any Pending Discovery Requests

The United States produced automatic discovery on January 14, 2015, and made additional discovery productions on February 12, 2015, March 25, 2015, May 12, 2015, and June 23, 2015. The United States' discovery productions totaled approximately 8.8 million pages. The United States requested reciprocal discovery from the defendants pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and Local Rule 116.1(d) on each date.

On May 1, 2015, counsel for defendant Cadden filed a motion to compel discovery in which defendants Chin, Svirskiy, Leary, Evanovsky, Connolly, Carter, Stepanets, Ronzio, Kathy Chin, and Thomas joined. The government filed an opposition on May 15, 2015. On July 13,

2015, the Court denied the defendants' discovery requests, other than ordering the government to disclose draft interview memoranda that contain potentially material differences from the final interview memoranda previously disclosed. On August 13, 2015, pursuant to this Court's order, the government disclosed thirty-two draft interview memoranda to the defendants.

On August 3, 2015, the defendants filed objections to this Court's rulings with respect to six of the defendants' twelve discovery requests. On August 14, 2015, the government filed its response. Judge Stearns has not yet ruled on the defendants' objections to this Court's order.

2. The Timing of any Additional Discovery to be Produced

The United States is aware of its continuing duty to disclose newly discovered additional evidence or material that is subject to discovery or inspection under Local Rules 116.1 and 116.2(b)(1) and Rule 16 of the Federal Rules of Criminal Procedure. Accordingly, the United States will be producing additional discovery to the defendants in the near future.

3. The Timing of any Additional Discovery Requests

The defendants anticipate making additional discovery requests. The defendants have individually submitted requests for a bill of particulars to the government. The parties anticipate that a joint defense motion will be filed.

4. Whether any Protective Orders Addressing the Disclosure or Dissemination of Sensitive Information Concerning Victims, Witnesses, Defendants, or Law Enforcement Sources or Techniques May be Appropriate

On April 17, 2015, the Court issued an Amended Protective Order. The Amended Protective Order requires the government, as the producing party, to designate materials within its discovery productions as "confidential discovery materials" subject to the Amended Protective Order. On June 24, 2015, the government notified the defendants of materials within a portion of its discovery productions that it had designated as confidential discovery materials.

The government is in the process of designating additional materials within the discovery productions, and will provide the defendants with these designations in the near future.

5. The Timing of any Pretrial Motions Under Fed. R. Crim P. 12(b) and 14

The defendants anticipate filing pretrial motions under Fed. R. Crim. P. 12(b) and 14 after they have had a further opportunity to review the discovery provided, and to be provided, by the United States.

6. The Timing of Expert Witness Disclosures

Judge Stearns has ordered the parties to produce expert witness disclosures by March 28, 2016. Some defense counsel anticipate making a motion seeking: (a) government expert disclosures earlier than March 28, 2016, and (b) an opportunity to review the government's expert disclosures before making defense expert disclosures, if any.

7. Periods of Excludable Delay Under the Speedy Trial Act

On March 10, 2015, and July 6, 2015, the Court ordered that the period from February 26, 2015 (the date of the initial status conference), until January 7, 2016 (the date of the final status conference), be excluded from the Speedy Trial Act computation in the interests of justice, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(ii).

8. The Timing of an Interim Status Conference or Final Status Conference

The Court has scheduled interim status conferences for September 3, 2015, November 5, 2015, and December 3, 2015. A final status conference has been scheduled for January 7, 2016.

9. Additional Matters

The parties do not have any additional matters to raise at this time.

Respectfully submitted,

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Dated: August 27, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel for the defendants, who are registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Amanda P.M. Strachan
Amanda P.M. Strachan
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Dated: August 27, 2015